

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Scott et al. EXAMINER: Lebassi, Amanuel
APPLN. NO.: 10/579,881 GROUP: 2617 CONF. NO. 5960
FILED: 03/07/2007 DOCKET: LUC-814/800974
TITLE: A METHOD OF CONTROLLING COMMUNICATIONS SERVICE IN
A TELECOMMUNICATIONS NETWORK AND AN ASSOCIATED
SWITCH

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

The Applicants hereby request review of the final rejection of this application based on the Final Office Action mailed October 25, 2011 ("Final Office Action"), the Applicant-Initiated Interview Summary mailed November 21, 2011 and the Advisory Action mailed December 16, 2011. No amendments are filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated on the attached sheets. Claims 1-9, 11-21, 23, and 25-30 were pending in the Application prior to the outstanding Final Office Action. The Final Office Action rejected claims 1-9, 11-21, 23, and 25-30.

REMARKS

The Applicants request Pre-Appeal Brief Review of the Final Office Action for the reasons stated below.

REJECTIONS UNDER 35 USC §103

Claims 1-5, 8-9, 11-19, 21-23, and 25-29 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farzannejad (EP 1439725; “Farzannejad”) in view of Choi et al. (US Patent No. 7096020; “Choi”). Claims 6-7 and 20 were rejected under 35 U.S.C. 103(a) as being unpatentable over Farzannejad in view of Choi and in further view of Bruno et al. (US Patent No. 6262978; “Bruno”).

The Final Office Action fails to cite any prior art that teaches or suggests “after the change of service is complete, transferring the call to the second subsystem.” In particular, Farzannejad, Choi, or Bruno do not teach transferring the call to the second subsystem *after* the change of service is complete. Moreover, Farzannejad repeatedly teaches away from the claimed invention.

While the Final Office Action (p. 5, section 4, last few lines on page; p. 10, 1st para., last lines of para.; and p. 15, 1st para., last lines of para.) reiterates three times the statements of the Office Action mailed May 6, 2011 (Office Action) that Farzannejad (Fig. 5, step 58) teaches or suggests “after the change of service is complete, transferring the call to the second subsystem,” nothing in the cited sections of Farzannejad in fact teaches or suggests these limitations. In particular, Farzannejad does not teach transferring the call to the second subsystem *after* the change of service is complete.

Instead, the cited sections of Farzannejad (Fig. 5, step 58, and the associated text, i.e., col. 8, lines 19-25) teach that upon detection of a handover condition:

A second link is set up between the two phones via the fourth and fifth base stations 30 and [sic] 32 of the second network 28. Then the session is transferred to the second link where only voice can be transferred, step 58. Thereafter the session continues on the second link only using the voice with the video information being lost.

Farzannejad repeatedly teaches away from the claimed invention. Farzannejad (col. 2, lines 19-21; col. 6, lines 20-23) teaches a system that is comprised of a first link of a first network having a high level of information content, and a second link of a second network having a lower level of information content. Farzannejad (col. 6, lines 53-55) further teaches that the second network 28 is a standard second-generation cellular network in the form of a GSM network. Therefore, Farzannejad teaches setting up a second link on the *second* subsystem that supports the second service, then subsequently transferring the session. Accordingly, Farzannejad teaches away from the recitation in claims 1, 15, and 30, “*after* the change of service is complete, transferring the call to the second subsystem” [emphasis added].

Moreover, Farzannejad teaches away from a change of service occurring on the first subsystem, as recited in claims 1, 15, and 30. Additionally, in Farzannejad the change of service cannot occur on the first subsystem, because Farzannejad teaches away from setting up on the *first* subsystem a link supporting the second service. Accordingly, the principal piece of prior art cited by the Final Office Action in fact repeatedly teaches away from the claimed invention. Alternatively, even if Farzannejad does not teach away from the claimed invention, its teachings do not teach or suggest the claimed invention.

Choi and Bruno, considered singly or in combination, do not cure the failings of Farzannejad.

Withdrawal of the §103 rejections is therefore respectfully requested.

CONCLUSION

In view of the above remarks, withdrawal of the rejections and/or reversal of the rejections of all pending claims is respectfully requested.

Respectfully submitted,

/Steven Svoboda/
J. Steven Svoboda
Attorney for Applicant
Reg. No. 44,366

Dated: January 12, 2012

Carmen Patti Law Group, LLC
Phone: (312) 346-2800 Fax: (312)346-2810
Customer Number 47382